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Docket Entry No. 1 at pg.5.

To establish a claim for § 1983 relief, the plaintiff must plead and prove that the defendants, while acting under color of state law, deprived him of a right or privilege guaranteed by the Constitution or laws of the United States. Parratt v. Taylor, 451 U.S. 527, 535 (1981).

In this instance, the defendants are federal employees. They were not acting “under color of state law” within the meaning of § 1983 during the plaintiff’s confinement in federal penal facilities. Thus, plaintiff’s claims are not actionable under § 1983.

When a plaintiff proceeding in forma pauperis, as is the case here, has failed to state a claim upon which relief can be granted, the Court is obliged to dismiss the instant action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

  
Todd Campbell  
United States District Judge